

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ZACHARY RAULINS WILSON,	:	
Petitioner,	:	
v.	:	Case No. 3:16-cv-313
MICHAEL TUCKER,	:	JUDGE WALTER H. RICE
Respondent.	:	

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #2);
DISMISSING PETITION FOR WRIT OF HABEAS CORPUS UNDER 28
U.S.C. § 2241 (DOC. #1) WITHOUT PREJUDICE; JUDGMENT TO
ENTER IN FAVOR OF RESPONDENT AND AGAINST PETITIONER;
DENYING CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL
IN FORMA PAUPERIS; TERMINATION ENTRY

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz, in his Report and Recommendations, Doc. #2, as well as upon a thorough, *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing in its entirety, and DISMISSES WITHOUT PREJUDICE the Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241, Doc. #1.

The Court notes that, although Petitioner was advised of his right to file Objections to the Report and Recommendations, and of the consequences of failing to do so, no Objections were filed within the time allotted.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be *objectively* frivolous, Petitioner is denied a certificate of appealability, and denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Respondent and against Petitioner. The Court notes that Magistrate Judge Merz has ordered that Mark Hooks, Warden, Ross Correctional Institution, be substituted for Judge Michael Tucker as the proper Respondent. The Clerk shall update the docket accordingly.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: August 19, 2016



WALTER H. RICE
UNITED STATES DISTRICT JUDGE